IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1088 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's Order or Directions and Registrar's Orders	Court's or Judge's Orders

Ms.U.V. Kejriwal, A.P.P., for Applicant

CORAM: **V.G. PALSHIKAR & SMT.NISHITA MHATRE, JJ.**

DATED: **MARCH 17, 2005**

P.C.:

. By this application, the State seeks leave to appeal against the order dated 1.12.2000 passed by the learned Sessions Judge, Thane. The learned Judge discharged Accused No.2 and drop the proceedings because the Prosecutrix had during the pendency of the trial died and, therefore, her evidence could not be recorded. In our opinion, in the peculiar facts and circumstances of this case where charge is of gang rape, it would be almost impossible to convict any person without there being evidence of the prosecutrix.

In our opinion, therefore, there is no error in the manner in which the learned Sessions Judge acted. The application for leave is rejected.